

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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DAVID A. WEST,

Plaintiff,

v.

FREEHOLDERS OF BURLINGTON  
JAIL, et al.,

Defendants.

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HON. JEROME B. SIMANDLE

Civil No. 07-3765 (JBS)

**MEMORANDUM OPINION**

**SIMANDLE**, District Judge:

This matter is before the Court on its own motion. THIS  
COURT FINDS AS FOLLOWS:

1. Plaintiff David A. West filed this action in forma pauperis on August 9, 2007 against Burlington County Jail and others, for alleged violations of his civil rights, which he brought via 42 U.S.C. § 1983. The Court screened the matter to determine whether dismissal was warranted pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A and dismissed all claims against Burlington County Jail because jail facilities are not "persons" for purposes of § 1983 liability. The Court further found that dismissal of Plaintiff's Complaint as to the remaining defendants was not warranted at that time.

2. On October 9, 2007 Plaintiff notified the court of a change in address for a six-month period while he was incarcerated. On January 31, 2008, Magistrate Judge Schneider

sent Plaintiff a letter order scheduling an in-person status conference for May 5, 2008, approximately one month after his anticipated release date. Plaintiff never sent another notice of any change in address and failed to attend the May 5 scheduling conference.

3. Magistrate Judge Schneider entered an amended scheduling order in this matter on April 4, 2008. That mail was sent to Plaintiff at his address listed on the docket but was returned as undeliverable [Docket Item 19].

4. On May 5, 2008, Magistrate Judge Schneider issued an order to show cause why Plaintiff should not be sanctioned for his unexcused failure to appear at the in-person status conference scheduled for May 5, 2008. Magistrate Judge Schneider set the show cause hearing for June 13, 2008. That order was also returned as undeliverable on May 16, 2008. Plaintiff failed to appear at the show cause hearing.

5. Plaintiff has failed to comply with Local Civil Rule 10.1(a), which requires unrepresented parties to advise the Court of any change in address within five days. Accordingly, the Court shall terminate this action. The accompanying Order will be entered.

**June 16, 2008**  
Date

**s/ Jerome B. Simandle**  
JEROME B. SIMANDLE  
United States District Judge